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July 14, 2005

Total Number of Pages
(including cover letter):

9

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From: John M. Guynn

Comments: Serial No. 09/977,154

Please see attached.

Docket No.: 14000.11

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FILED VIA FACSIMILEPATENT APPLICATION
Docket No. 14000.11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Hugh S. West, Jr., M.D.

Serial No. 09/977,154

) Art Unit
) 3732

Confirmation No. 3848

Filed: October 12, 2001

For: IMPROVED INTERFERENCE SCREW
HAVING INCREASED UPPER DIAMETER

Examiner: Anu Ramana

Customer No.: 022913

CERTIFICATE OF FACSIMILE TRANSMISSIONMail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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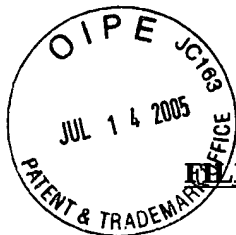
- Form PTOL-85 Fees Transmittal (1 page)
- Form PTO-2038 in the amount of \$1,045
- Supplemental Declaration
- Notification of Loss of Entitlement to Small Entity Status Pursuant to 37 C.F.R. § 1.28(b)
- Comments on Statement of Reasons for Allowance

Dated this 14th day of July 2005.

Respectfully submitted,

John M. Gynn
Attorney for Applicant
Registration No. 36,153
(801) 533-9800

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**FILED VIA FACSIMILE**PATENT APPLICATION
Docket No. 14000.11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Hugh S. West, Jr., M.D.

Serial No. 09/977,154

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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCEMail Stop – Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Allowability mailed June 13, 2005, Applicant comments as follows. The Examiner's Statement of Reasons for Allowance only pertains to claim 34, as other claims do not recite "an interference screw that has a fully threaded body" and/or "a distal threaded section with a constant diameter that is less than an average diameter of the proximal end", as stated at page 3 of the Notice of Allowability. Moreover, not even claim 34 recites an interference screw having "a fully threaded body". That limitation is only found in independent claims 21, 24 and 29.

More generally, the claimed invention set forth in each of the claims must be read as a whole, not as a single feature or subcombination of features which represent less than the entirety of the claimed invention as a whole. While a particular feature or subcombination of features referred to by the Examiner in the Statement of Reasons for Allowance may represent a basis for distinguishing the

claimed invention over the prior art, Applicant further submits that this may not necessarily be the sole ground for distinguishing the claimed invention over the prior art of record. Accordingly, the Examiner's statement should, in Applicant's view, not be read as constituting or meaning that the invention can or should be reduced to a single feature of the invention or to a subcombination of features that is less than the entire invention claimed as a whole, nor that the single feature or features referenced by the Examiner, or subcombination of features referenced by the Examiner in the Statement of Reasons for Allowance is the only or sole grounds for distinguishing the invention over the prior art of record.

DATED this 14th day of July 2005.

Respectfully submitted,



John M. Guynn
Attorney for Applicants
Registration No. 36,153

JMG:mla

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